

REMARKS/ARGUMENTS

Reexamination and reconsideration of this Application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above claim amendments and remarks that follow.

Claims 26-37 and 41 have been amended to ultimately depend from claim 44. Claim 43 has been re-written in independent form including all of the subject matter of base claim 26. Applicant respectfully requests entry of these amendments and submits the amendments place the application in condition for allowance or, at the very least, place the claims in better form for appeal. Claims 26-37 and 41-45 are pending.

Applicant appreciates the Examiner's indication that claims 44 and 45 are free of the prior art. As no rejections of claims 44 and 45 are pending, Applicant understands the Examiner's indication to mean that claims 44 and 45 are allowable. Applicant also appreciates the Examiner's indication that claim 43 would be allowable if re-written in independent form including all of the subject matter of the base claim. Claim 43 has been so re-written, and Applicant respectfully submits that claim 43 is also now in allowable form.

Claims 26-37, 41, and 42 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 4,713,249 to Schroder in view of U.S. Patent No. 4,963,526 to Ecanow and the Moriyama reference (*Journal of Controlled Release* (1996) 42:237-248). Although Applicant does not necessarily agree with the present rejection, to expedite allowance, claims 26-37 and 41 have been amended to ultimately depend from claim 44. Specifically, claims 26-33, 35-37, and 41 have been amended to directly depend from claim 44. Claim 34 has been amended to depend from claim 28, which now depends from claim 44. Claim 42 originally depends from claim 26, which has now been amended to depend from claim 44.

As all rejected claims have been amended to ultimately depend from allowable claim 44, Applicant respectfully submits all pending claims are now in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the present rejections.

Applicant respectfully submits that all claims, as now submitted, are in condition for immediate allowance. Accordingly, a Notice of Allowance is respectfully requested in due

course. If any minor formalities need to be addressed, the Examiner is directed to contact the undersigned attorney by telephone to facilitate prosecution of this case.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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